

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES McLAUGHLIN and	:	CIVIL ACTION
FRANCISCO McLAUGHLIN	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
DAVID WILLIAMS and	:	
C. R. ENGLAND, INC.	:	
Defendants	:	NO. 02-CV-2996

**PLAINTIFFS' RESPONSE TO DEFENDANT, C. R. ENGLAND, INC.'S
RESPONSE IN OPPOSITION TO PLAINTIFFS' REQUEST FOR ENTRY
OF DEFAULT JUDGMENT AGAINST DEFENDANT, DAVID WILLIAMS**

Plaintiffs, James McLaughlin and Francisco McLaughlin, by and through counsel, Stephen W. Bruccoleri, Esquire, hereby respond to the Defendant, C. R. England, Inc.'s Response in Opposition to Plaintiffs' Request for Entry of Default Judgment Against Defendant, David Williams, as follows:

Defendant, C. R. England, Inc., argues that service of the Complaint upon Defendant, David Williams, as per the Affidavit of Service, was not proper since the Complaint forwarded to the Defendant, David Williams, via certified mail, return receipt requested, was signed for by an Alberta Pierce and was served at an address which is not the last known address for Defendant, David Williams, possessed by Defendant, C. R. England, Inc. Plaintiffs maintain the service of process upon Defendant, David Williams, was proper and made in accordance with the Rules of Civil Procedure. In fact, a copy of the Plaintiffs' Request for Entry of Default against Defendant, David

Williams, was sent to Defendant, David Williams, via regular mail and has not been returned to Plaintiffs' counsel's office by the United States Postal Service.

In addition, Defendant, C. R. England, Inc., has failed to identify in its response the last known address of Defendant, David Williams, in possession of Defendant, C. R. England, Inc. and therefore, Plaintiffs are unable to confirm whether the address where Defendant, David Williams, was served was in fact the last known address for Defendant, David Williams, possessed by the Defendant, C. R. England, Inc.

Also, at all times material hereto the Defendant, David Williams, was in the course and scope of his employment with the Defendant, C. R. England, Inc.; however, Defendant, C. R. England, Inc., has failed to file an Answer on behalf of its employee.

Accordingly, it is respectfully requested that the Court enter default against Defendant, David Williams.

STEPHEN W. BRUCCOLERI, ESQUIRE
Identification No. 32334
Attorney for Plaintiffs
Eight Penn Center, Suite 1900
1628 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 563-4440

Date: September 27, 2002

CERTIFICATION OF SERVICE

Stephen W. Bruccoleri, Esquire hereby certifies that he has served a true and correct copy of the within pleading upon all counsel of record, as well as Defendant, David Williams, on the date below via U.S. Mail, postage prepaid.

Date: September 27, 2002

STEPHEN W. BRUCCOLERI, ESQUIRE
Attorney for Plaintiffs